



THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS 78711

**JOHN L. HILL
ATTORNEY GENERAL**

May 11, 1973

The Honorable Robert W. Calvert
Chairman, Texas Constitutional
Revision Commission

Letter Advisory No. 30

Re: Dual Employment

The Honorable Robert S. Calvert
Comptroller of Public Accounts

Gentlemen:

You have submitted to us the following question:

"May a person employed as a professor at a State university also be employed by the Constitutional Revision Commission in a research capacity during the same period of time?"

We do not consider a person employed in a research capacity to occupy a civil office as that term is used in § 40 of Article 16 of the Constitution of Texas and therefore it is our opinion that the dual employment is not prohibited by that section.

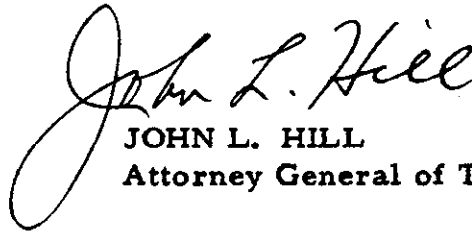
As a State university professor the man in question is "of" the Executive Department. However, we cannot say that his position as a research person for the Constitutional Revision Commission constitutes "being of" one of the other departments and we do not believe the dual employment is prohibited by the separation of powers of § 1 of Article 2 of the Constitution.

Finally, we do not see any incompatibility between the two positions in the sense in which we normally use that term with reference to dual employment. Quite to the contrary, the two positions may very well complement each other, depending upon the subjects which this man teaches.

We do see the possibility of incompatibility in that, as a full-time professor it may be that he has insufficient time to serve as a research person for the Constitutional Revision Commission. However, we do not believe that holding both positions automatically would result in that form of incompatibility and the determination of that question would be one of fact to be based upon his contractual obligations to the university.

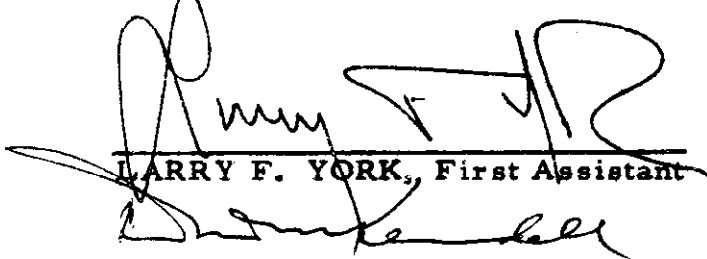
It is, therefore, our opinion that a person may be employed both as a professor at a State university and also as a research person for the Constitutional Revision Commission provided that the latter employment does not encroach upon the time which the man is obligated to devote to his position as a professor.

Very truly yours,



JOHN L. HILL
Attorney General of Texas

APPROVED:



LARRY F. YORK, First Assistant



DAVID M. KENDALL, Chairman
Opinion Committee